

*Seiplier v. Cundiff, et al.*  
Case No. 08 CV 50257

**Exhibit E**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

ZANE SEIPLER, )  
)  
Plaintiff, )  
)  
vs. ) No. 08 C 50257  
)  
CAPTAIN ANTON CUNDIFF, )  
et al., )  
)  
Defendants. )

The deposition of ZANE SEIPLER, called  
for examination, taken pursuant to the Federal  
Rules of Civil Procedure of the United States  
District Courts pertaining to the taking of  
depositions, taken before KELLY A. BRICHETTO, CSR  
No. 84-3252, a Notary Public and Certified  
Shorthand Reporter of the State of Illinois, taken  
at Suite 150, 550 East Devon, Itasca, Illinois, on  
the 24th day of February, 2010, at 10:00 a.m.

1           A.     Yes.

2           Q.     Where was it that the conversation  
3 occurred?

4           A.     Outside the roll call room near the  
5 computers.

6           Q.     Where were you located when you heard  
7 the conversation?

8           A.     Inside the roll call room.

9           Q.     How many feet away from Deputies Cosman  
10 and Stevens were you at the time you heard the  
11 conversation?

12          A.     Six to eight.

13          Q.     What were you doing in the roll call  
14 room at the time?

15          A.     Preparing for my shift, waiting  
16 basically.

17          Q.     All right. Tell me what you recall  
18 about the conversation that you heard between  
19 Deputy Cosman and Deputy Stevens.

20          A.     They were talking about someone who had  
21 just been arrested or interviewed or was in contact  
22 with them. Stevens was the, initiated the  
23 conversation. Cosman was just talking. He said  
24 something to the effect that he knew this girl.

1 Stevens made a comment about how she, she's a pain,  
2 you know, numerous contacts with the police, and  
3 Cosman said something about or maybe Stevens said  
4 something about the way she was talking or what she  
5 had said, and Cosman said yeah, I can't understand  
6 her when she talks all black.

7 Q. You said that Cosman made a statement  
8 that he knew the girl. Is that the witness or the  
9 interviewee?

10 A. Whoever they were talking about.

11 Q. Okay. But it's the same person as far  
12 as you know that he was referring to when he said  
13 he can't understand her when she talks all black?

14 A. Yeah. Whoever they were talking about  
15 is who he was making reference to.

16 Q. Do you remember specifically, any more  
17 specifically what it was that Stevens said about  
18 the interviewee being a pain or having numerous  
19 contacts with the police?

20 A. No. I just remembered that was part of  
21 the conversation and that's all I remember.

22 Q. Do you remember specifically that  
23 Deputy Cosman's statement was yeah, I can't  
24 understand her when she talks all black?

1           A.     It was something to that effect, yes.

2           Q.     Do you recall any other conversation  
3 after Cosman made that statement?

4           A.     No.   I don't remember if they kept  
5 talking or what, if they walked away.

6           Q.     Do you recall anything about their  
7 conversation before what you told me?

8           A.     No.   That's what I remember about that  
9 conversation.

10          Q.     Was there anything in particular about  
11 the conversation that made you start to pay  
12 attention to what they were saying?

13          A.     No.   I was just eavesdropping, I guess.

14          Q.     Were there other people in the roll  
15 call room or outside the roll call room?

16          A.     I think there were other people outside  
17 the roll call room, but I do not remember who they  
18 were.

19          Q.     This would have been sometime around  
20 shift change, it sounds like?

21          A.     I think so.

22          Q.     Can you guesstimate for me how many  
23 people were present in the room or outside the  
24 door?

1           A.     One other person.

2           Q.     Do you know the other person -- You  
3 don't remember who that was; right?

4           A.     I don't remember who it was, where they  
5 were, anything.

6           Q.     Did you have any conversation with the  
7 other person about what you had overheard?

8           A.     No.

9           Q.     Did you report the conversation that  
10 you heard between Cosman and Stevens to anyone  
11 prior to your Climate Assessment Questionnaire?

12          A.     This happened after the Climate  
13 Assessment Questionnaire.

14          Q.     Oh, it did. I'm sorry. I know I asked  
15 you that.

16                   What year was it that that occurred?

17          A.     2007.

18          Q.     So did you at some point report to  
19 supervisors about the statement prior to your  
20 November memo which is Exhibit Number 6?

21          A.     No.

22          Q.     So Exhibit Number 6 or the conversation  
23 that you had with Sergeant Kalenick shortly before  
24 drafting Exhibit Number 6 would be the first time

1           it to be --

2                       MR. HORWITZ:   She's asking you what  
3           level.

4           BY THE WITNESS:

5                A.     Okay.   Not very specific.

6           BY MS. CLIFFE:

7                Q.     So you didn't give him -- Did you give  
8           him deputy names?

9                A.     Eventually.

10              Q.     But at that meeting with --

11              A.     Hold on.   No, I didn't give him deputy  
12           names.   He gave me names and asked me if that's who  
13           I was talking about.

14              Q.     During this meeting?

15              A.     During the meeting.

16              Q.     What were the names he gave you?

17              A.     Stevens, Milliman and Jones.

18              Q.     Now, prior to the date that you  
19           completed the Climate Assessment Questionnaire and  
20           had the meeting with Cundiff had you observed  
21           anything else that raised a concern about racial  
22           profiling or discrimination that we haven't already  
23           talked about?

24                       MR. HORWITZ:   I'm sorry.   Could you read

that question back, please?

(Requested portion

of the record read.)

BY THE WITNESS:

A. Yes.

BY MS. CLIFFE:

Q. What would that be?

A. Talk amongst deputies, my co-workers

and peers that it was peculiar about how certain

deputies were able to make an arrest of a Hispanic

driver so often as compared to everybody else. I

had this conversation with several people.

Specifically talked about back then was Jones,

Stevens, Muraski, Falb. Also had talks with people

about Milliman to an extent. It was usually not

about racial profiling but possible civil rights

violations.

Q. Other than the conversations that you

had with other deputies anything that you witnessed

individually?

A. No, nothing else that I witnessed.

Q. As it relates to the deputies that you

just listed, Jones, Stevens, Muraski, Falb,

Milliman, have you ever had occasion to review



1       are you talking about. I said I don't want to give  
2       you names. I don't want to make a big thing of  
3       this. I thought you guys should know that I was  
4       concerned about it and I wanted to put my name on  
5       this thing. I need names. Take this serious. I  
6       need names. I said I'll give you names. The third  
7       time he finally says who are we talking about,  
8       Jones, Milliman, Stevens? My exact words to him  
9       was if you know this already I don't have to give  
10      you names. He's like, Zane, scuttlebutt talk or  
11      something like that, it's not proof. I need proof.  
12      I'm not here to give you proof. I think if  
13      somebody of your level here would say, you know,  
14      show concern about it and tell them to knock it off  
15      that that would be sufficient.

16               He said all right. Well, now you're  
17      going to go talk to Kathy Seith and go do that then  
18      and that was pretty much the whole -- Well, he also  
19      asked me -- When he gave the names, I said if you  
20      already know this you don't need the names. He's  
21      like what do you know, and then I told him. I told  
22      him about the incident with Jones outside the  
23      apartment complex. I told him about what Stevens  
24      had said in Wonder Lake about the black driver and

1 I said -- He said -- Then he specifically asked me,  
2 well, what do you know about Milliman. I said I  
3 don't really know anything about Milliman. He goes  
4 you know nothing. I said, well, no, there's -- The  
5 only thing I've ever heard about Milliman was from  
6 this kid in Wonder Lake, that he beat him up, and  
7 his buddies were talking about it, and I went into  
8 that. It was like he was looking for something  
9 about Milliman. I said other than that I don't  
10 know too much about Milliman. He said okay. Well,  
11 go talk to Kathy Seith, and then I left.

12 Q. Did you then go talk to Kathy Seith?

13 A. Yeah, I went and talked with her, and I  
14 think Popovits was present too.

15 Q. What's your understanding of Kathy  
16 Seith's role or title with the Sheriff's Office?

17 A. She is the Equal Employment officer.

18 Q. Do you have any understanding of what  
19 her duties were at that time?

20 A. Well, I thought she was the -- She was  
21 a non-deputized officer that is supposed to look  
22 out and make sure that it's a, I don't know,  
23 however you want to say it. She looks into  
24 anything when it comes to sexual harassment, racial